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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,328	02/25/2000	Bruce W. Curtis	SUN1P701/P4732	7789

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EXAMINER

PRIETO, BEATRIZ

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 12/17/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**Application No. 09/513,328

Examiner

B. Prieto

Applicant(s)

BRUCE W. CURTIS

Art Unit

2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-7 and 24.Claim(s) withdrawn from consideration: 8-23.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Supplemental Advisory Action*

1. This communication is in response to request for reconsideration and amendment filed 12/01/03, claims 1-24 remain pending, of which 8-23 are withdrawn from consideration and 1-7 and 24 stand rejected.

2. Applicant argues prior art of record Hayes does not teach a "HTTP cache in a web server", therefore does not meet claim 1.

In response to the above argument, applicant's interpretation of the prior art has been considered, however, it is noted that applicant is entitled to be his or her own lexicographer (see MPEP §2111). Claims and disclosure cannot be evaluated in a vacuum; the claims must be given their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). In this case, the claim termed "HTTP cache", is actually an in-kernel cache (see 204 on Fig. 2 and page 10, lines 9-10 of specification). The claim term "HTTP cache" has been interpreted as a cache and a web server as any process or processor that servers.

Hayes teaches a multi-processing computer system having a hierarchy of cache units, a cache unit for each processor (col 1/lines 12-17), each processor services request associated with information in its cache (see col 2/line 60 - col 3/line 3). Hunt teaches where a remote shared file server caches pages in a common file area, for servicing browsers for different clients, the remote shared cache may form part of a local/remote hierarchy (abstract); web pages are cached on the shared file server (col 4/lines 46-57).

3. Applicant argues Hunt does not teach managing a cache upon a server, much less a web server HTTP cache.

In response to the above-mentioned argument, as mentioned above, the claimed term "HTTP cache" has been interpreted as a cache and a web server as any process or processor that servers. Hunt teaches a cache (124 of Fig. 1) in a cache memory system (col 3/lines 45-49) in a web server (116-118 of Fig. 1), e.g. server 118 includes storage device 124 providing remote storage for user units 102 (see col 3/lines 45-49), server 118 is a Web server (see col 3/lines 52-56), a common cache in the server is accessed by the users (see col 3/line 59-col 4/line 3).

4. Applicant's arguments filed 12/01/03 have been fully considered but not rendered persuasive.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER



B. Prieto  
TC 2100  
Patent Examiner  
December 13, 2003